

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VNUS MEDICAL TECHNOLOGIES, INC.

No. C-05-2972 MMC

Plaintiff

v.

DIOMED HOLDINGS, INC., et al.,

Defendants

**ORDER GRANTING IN PART AND
DENYING IN PART DEFERRED
PORTION OF PLAINTIFF'S MOTION
FOR ADMINISTRATIVE RELIEF TO FILE
UNDER SEAL DOCUMENTS
SUBMITTED IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT; DIRECTIONS TO
PLAINTIFF**

Before the Court is the deferred portion of plaintiff VNUS Medical Technologies, Inc.'s motion for administrative relief to file documents under seal, filed August 10, 2007, specifically, plaintiff's request to file under seal Exhibits 39, 42, and 45 to the Declaration of Suong T. Nguyen in Support of VNUS Medical Technologies, Inc.'s Motion for Summary Judgment. Having reviewed defendants' submissions in response to plaintiff's motion for administrative relief, the Court rules as follows:

1. With respect to Exhibit 39, the motion is DENIED for the reason defendant AngioDynamics, Inc. has withdrawn its prior designation of confidentiality.

2. With respect to Exhibit 42, the motion is GRANTED to the extent plaintiff seeks to file the following portions under seal: lines 4 to 22 on page 28, lines 13 to 25 on page 62, and lines 1 to 8 on page 63. In all other respects, the motion is DENIED for the reason

1 defendants Diomed Holdings, Inc., and Diomed, Inc. (collectively, "Diomed") do not contend
2 any other portion of Exhibit 42 is confidential.

3 3. With respect to Exhibit 45, the motion is DENIED for the reason Diomed has
4 failed to identify any portion of said exhibit that is properly sealable.

5 4. If plaintiff wishes the Court to consider Exhibits 39 and 45, plaintiff is hereby
6 DIRECTED to file such exhibits in the public record, no later than September 12, 2007. If
7 plaintiff wishes the Court to consider the portions of Exhibit 42 that are not confidential,
8 plaintiff is DIRECTED to file a redacted version of Exhibit 42, no later than September 12,
9 2007.

10 **IT IS SO ORDERED.**

11
12 Dated: September 6, 2007


MAXINE M. CHESNEY
United States District Judge